

Serial No. 10/024,606
Page 7 of 10

REMARKS

Claims 1-10 are pending in this application. Applicants amend claims 1-2 and 5-6 for clarification. No new matter has been added.

Claims 1-2, 5-6, 9, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,708,703 to Nagaraj in view of Japanese Patent Publication No. JP58073252 to Miura. The Examiner's rejection is respectfully traversed.

Although Nagaraj discloses switching means for selecting first and second equalizers according to detected line condition/length based on reference voltage of the line, Nagaraj does not disclose extracting, on the basis of a signal sent from a send side, reference information on fluctuation of transmission line characteristics which fluctuate periodically according to an on-off state of a switching element.

The Examiner acknowledged that Nagaraj fails to disclose the claimed feature of "according to an on-off state of a switching element in an apparatus that is connected to the transmission line," and relied upon Miura as a combining reference that allegedly discloses this feature.

Miura merely describes, however, inserting a resistor R and a capacitor C in feeding lines for mitigating voltage fluctuation due to on-off switching, and does not disclose extracting, on the basis of a signal sent from a send side, reference information on fluctuation of transmission line characteristics which fluctuate periodically according to an on-off state of a switching element.

84100115_1.DOC

Serial No. 10/024,606

Page 8 of 10

It would not have been obvious to one skilled in the art at the time the claimed invention was made to combine Nagaraj and Miura in the manner proposed by the Examiner. Applicants respectfully submit that the Examiner has failed to establish a prima facie case of obviousness, which requires suggestion or motivation in either reference to modify the system or method described therein to yield the claimed invention. Indeed, it was improper hindsight for the Examiner to modify the line length detection described in Nagaraj and the resistor-capacitor assembly described in Miura to yield the claimed invention. In particular, the cited portions of Nagaraj do not acknowledge that voltage fluctuations due to on-off switching would have any effect on equalization. Furthermore, such portions do not provide any disclosure as to the manner in which line length detector 200 would detect these fluctuations in a useful way. Correspondingly, the cited portions of Miura do not provide any suggestion that these fluctuations need to be or could be extracted for use with the resistor-capacitor assembly described therein.

Even assuming, arguendo, that it would have been obvious to one skilled in the art to combine the references, the combination would at most yield an equalizer system as described in Nagaraj with the fluctuation mitigating assembly described in Miura. Such a combination would still fail to teach or suggest the claimed invention because neither reference provides any disclosure or suggestion of,

"extracting, on the basis of a signal received from a transmission line, reference information on fluctuation of transmission line characteristics which fluctuate periodically according to an on-off state of a switching element in an apparatus"

84100115_1.DOC

Serial No. 10/024,606

Page 9 of 10

that is connected to the transmission line, wherein said signal is sent from a send side; and

performing equalization processing while switching equalization characteristics in accordance with said fluctuation of transmission line characteristics," as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1, together with claim 2 dependent therefrom, is patentable over Nagaraj and Miura, individually and in combination, for at least the above-stated reasons. Claim 5 includes features that correspond to those of claim 1 cited above, and is, therefore, together with claims 6 and 9-10 dependent therefrom, patentable over the cited references for at least the same reasons.

Claims 3 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nagaraj in view of U.S. Patent No. 5,424,849 to Yamashita et al., and further in view of U.S. Patent No. 4,334,312 to Yoshida; and claims 4 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nagaraj in view of Yamashita et al. and Yoshida and further in view of U.S. Patent No. 6,438,185 to Huttunen. Applicants respectfully traverse the rejections.

The rejected claims 3-4 and 7-8 depend from claim 1 and 5, respectively, and incorporate all features recited therein. As such, rejections of these claims cannot exclude the reference Miura cited against their respective base claims 1 and 5. As Applicants submit above, it would not have been obvious to one skilled in the art to combine Nagaraj and Miura in the manner proposed by the Examiner. Correspondingly, it would not have been obvious to one skilled in the art to combine these references, and to further combine them with the additional references cited against claims 3-4 and 7-8, respectively, in the manner proposed by the Examiner.

84100115_1.DOC

Serial No. 10/024,606

Page 10 of 10

Furthermore, the Examiner cited Yamashita et al., Yoshida, and Huttunen to specifically address the additional features recited in dependent claims 3-4 and 7-8. As such, the addition of these references, as applied by the Examiner, would still fail to cure the above-described deficiencies of Nagaraj and Miura with respect to base claims 1 and 5—even assuming that the addition of these references would have been obvious to one skilled in the art.

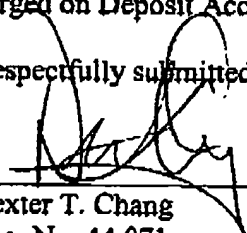
Accordingly, it is respectfully submitted that claims 3-4 and 7-8 are patentable over the cited references for at least the above-stated reasons.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

It is respectfully submitted that the present claims are in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted


Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00054 (FUJI 19.088)
DTC:par

84100115_1.DOC